

## **EXHIBIT D**

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

John Ley  
Clerk of Court

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September 15, 2011

Sheryl L. Loesch  
United States District Court  
2110 1ST ST  
FORT MYERS, FL 33901

Appeal Number: 10-14773-CC  
Case Style: Billy Kidwell v. G. Wagoner, et al  
District Court Docket No: 2:09-cv-00108-CEH-DNF

The enclosed certified copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4. Pursuant to 11th Cir. R. 42-2(c) and 42-3(c), when an appellant fails to timely file or correct a brief or record excerpts, the appeal shall be treated as dismissed on the first business day following the due date. This appeal was treated as dismissed on

Counsel and pro se parties are advised that pursuant to Fed.R.App.P. 25(a)(2)(A), a motion to set aside the dismissal and remedy the default "is not timely unless the clerk receives the papers within the time fixed for filing."

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Brenda F. Wiegmann, CC  
Phone #: (404) 335-6174

Enclosure(s)

DIS-2CIV Letter and Entry of Dismissal

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 10-14773-CC

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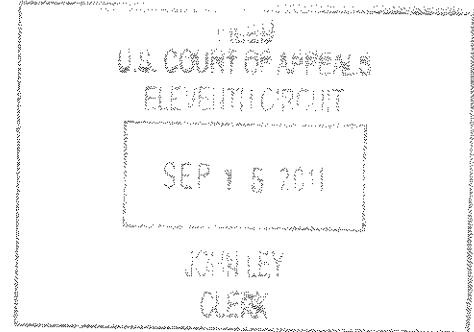
BILLY R. KIDWELL,

Plaintiff - Appellant,

versus

G. RICHARD WAGONER,  
GM CEO sued in a personal capacity,  
PERCY N. BARMEVIK,  
GM Board of Directors sued in personal capacity,  
ERSKINE B. BOWLES,  
GM Board of directors sued in a personal capacity,  
JOHN H. BRYAN,  
GM board of directors sued in a personal capacity,  
ARMANDO M. CORDINA,  
GM board of directors sued in a personal capacity, et al.,

Defendants - Appellees.



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Appeal from the United States District Court for the  
Middle District of Florida

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ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R. 42-1(b), this appeal is hereby DISMISSED for want of prosecution because the appellant Billy R. Kidwell has failed to file an appellant's brief and record excerpts within the time fixed by the rules, effective September 15, 2011.

JOHN LEY  
Clerk of the United States Court  
of Appeals for the Eleventh Circuit

by: Brenda F. Wiegmann, CC, Deputy Clerk

FOR THE COURT - BY DIRECTION